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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/641,302

08/15/2003

In Tae Hwang

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01/09/2009

LEE, HONG, DEGERMAN, KANG & WAIMEY

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EXAMINER

DUONG, CHRISTINE T

ART UNIT

PAPER NUMBER

2416

NOTIFICATION DATE

DELIVERY MODE

01/09/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/641,302 | Applicant(s) HWANG, IN TAE | |
| | Examiner CHRISTINE DUONG | Art Unit 2416 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 23,27,40,43 and 46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 23,27,40,43 and 46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

This is in response to the Applicant's arguments and amendments filed on 23 October 2008 in which claims 23, 27, 40, 43, 46 are currently pending.

Claim Rejections - 35 USC § 103

1. Claims 23, 27, 40, 43, 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takiyasu et al. (US Patent No. 5,537,414 hereafter Takiyasu) in view of Feinberg et al. (US Patent No. 6,065,046 hereafter Feinberg).

Regarding claims **23, 27, 40, 43, 46**, Takiyasu discloses a method of transmitting data in a wireless communication system (figs. 1-5).

forming a data frame in a mobile station (the following elements either alone or in combination of mobile station 2a, 2b, 2c, 2d, fig. 1) having a header portion (the following elements either alone or in combination of R1, R2, R3, R4, fig. 2) and a data portion (R4, fig. 2 and “a data length (DL) 53 and a fragmented data (I) 54 of a fixed length. The data length (DL) 53 indicates the length of effective data in the information field 54” column 17 lines 50-53), wherein the header portion has at least a first field (SN 43a, fig. 2) to indicate to the network whether the data frame has a time resource request (“Each RI field 43 has a sequence number (SN) field 43a set with a sequence number of an access request represented by modulo 8” column 13 lines 66-67),

a second field (NF 43c, fig. 2) to identify an amount of time resource required when the first field has the first logic value (“a field (NF) 43c set with the number of

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fragments necessary for the source station to transmit one message” column 14 lines 3-4), and

a third field (the following elements either alone or in combination of ND 46, FN 47, fig. 2) to contain a priority parameter representing control information related to at least one of a fragmentation and a retransmission (“ND 46 is used for discriminating whether the fragment slot is used for the transmission of new data from the substation (step 12 shown in FIG. 3), i.e., used for a new fragment, used for the base station retransmission 14, or used for the source station retransmission 16. Reference numeral 47 represents a fragment number (FN) field set with the fragment number indicating the sequence number of the fragment slot among those fragment slots requested by the substation”, column 17 lines 23-32);

transmitting the data frame to the network (“the source station 2a requests a fragment slot access right to transmit a message, and sets access request information to an optional request slot 37i (request transmission step 10). The request information contains the source address (AD) 43b and the number (NF) 43c of fragments necessary for the message transmission” column 14 lines 42-49);

allocating the time resource responsive to the time resource request by the network (“the base station returns as access permission information the address of the source station capable of using the fragments, by using the source address field 48 defined at the header of the respective fragment slots 38 (slot assignment notice step 11)” column 14 lines 56-60).

receiving an indication at the mobile station of the allocated time resource ("The source terminal 2a checks the address received at the source address field of each fragment slot. If the source terminal 2a detects its own address, it judges, in the case other than the base station retransmission process to be later described, that an access to the fragment slot was permitted" column 14 lines 61-65);

transmitting the data frame from the mobile station to the network ("The source terminal 2a outputs the address of the destination station 2b to the destination address (DA) field 52 defined at the header of the fragment slot, and outputs data to the following information (I) field 54 of a fixed length (data transmission step 12). This data is thereafter subjected to the reception process at the base station 3a and the destination station 2b indicated by the destination address 52" column 14 line 66 to column 15 line 5).

However, Takiyasu does not explicitly disclose the first field having a first logic value when the data frame has the time resource request.

Nevertheless, Feinberg discloses "Request-Resource flag (ResourceReq): Indicates whether the packet constitutes a request for a resource" (Feinberg column 25 lines 3-4).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have the first field having a first logic value when the data frame has the time resource request because "The Resource identifiers identify any resource or resources referred to in the packet (the ResourceReq flag being set)" Feinberg column 25 lines 61-63).

Response to Arguments

2. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Previous 35 USC 101 rejection to claims 23-26 are withdrawn in view of Applicant's amendment.

Previous minor informality objection to claim 43 is withdrawn in view of Applicant's amendment.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTINE DUONG whose telephone number is

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(571)270-1664. The examiner can normally be reached on Monday - Friday: 830 AM-6 PM EST with first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (571) 272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin C. Harper/
Primary Examiner, Art Unit 2416

/Christine Duong/
Examiner, Art Unit 2416
12/31/2008